



2615

PATENT 41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ogata, M. et al.

Serial No.: 09/580,166

Filed: May 30, 2000

For: IMAGE CAPTURING APPARATUS AND
METHOD THEREFORE

Case No.: 09792909-4877

Group Art Unit: 2615

Confirmation No. 2468

Examiner: Genco, B. C.

Date: October 14, 2004

Certificate of Mailing (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
on:

Date of Deposit: October 14, 2004

Paula M. Theismann
Paula M. Theismann

10-14-04
Date

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Technology Center 2600

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith is a Response to Restriction Requirement of Ogata, M. et al. in the above-identified patent application.

Also enclosed is: Return Receipt Postcard

The Commissioner is hereby authorized to charge any additional fees required, as well as any patent application processing fees associated with this communication for which full payment has not been tendered, to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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By:

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RESPONSE TO RESTRICTION REQUIREMENT

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SIR:

This amendment is being filed in response to the Office Action dated September 14, 2004. Please reconsider the application in view of the amendment and remarks presented below.

ELECTION OF SPECIES

In the Office Action, the Examiner requested an election of species pursuant to a restriction requirement under 35 U.S.C. §121 between Species I: Figs 11A and 11B; Species II: Fig. 15 (We believe the reference to Fig. 16 to be a typographical error and that Species II should be directed to Fig. 15.); Species III: Fig. 18 and Species IV: Fig. 21. Claims 1, 2, 8, and 9 and 16 are generic claims of Species I through IV.

In response, Applicants hereby elect Species III: Fig. 18 for further examination and designate Claims 1, 2, 8 and 9 as reading on this species.

Respectfully submitted,

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